IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11569 of 2006

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Dated: June 13, 2006

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Between:

M/s. Vijaya Bhavani Saw Mill & Timber Depot,

rep. by its Proprietor A. Yadagiri, S/o. Brahmaiah, aged

about 45 years, R/o. Ghatkesar, Ranga Reddy District.

… Petitioner

And

The Divisional Forest Officer, Hyderabad,

and another.

… Respondents

Order:

The petitioner was initially granted sawmill licence in February, 2003, by considering his application under A.P. Saw Mills (Regulation) Rules, 1969, framed under Andhra Pradesh Forest Act, 1967. The said licence was initially granted upto 31-12-2003 and from time to time, it was renewed till 31-12-2007. While so, the first respondent issued Proceedings No.9298/2003/S14 dated 12-01-2006 cancelling the licence granted to the petitioner in view of the judgment of the Hon'ble Supreme Court of India dated 16-11-2002, passed in W.P.No.202 of 1995. In the aforesaid order, the Apex Court while dealing with the permits granted to sawmills in the states of Nagaland, Karnataka, etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee.

2. As much as there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court, it is permissible for the licencing authority to consider the applications for grant of permission subject to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forest, Government of India. As much as the petitioner was initially granted licence on 16-08-2003 and it was renewed from time to time till 31-12-2007 and the same was cancelled by referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition directing the Divisional Forest Officer to refer the case of the petitioner within a period of four weeks from the date of the receipt of a copy of this order, for consideration as to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of the Environment (Protection) Act, 1986, by notification dated 17-09-2002, for grant of licence/renewal of licence granted under A.P. Saw Mills (Regulation) Rules, 1969. Subject to the orders that may be passed as to permission by the Central Empowered Committee, the Divisional Forest Officer shall take steps for restoration of the licence in case the Central Empowered Committee approves for grant of such licence in favour of the petitioner. No costs.

JUSTICE R. SUBHASH REDDY.

June 13, 2006

MRR